

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VICTOR MANUEL RIVERA,

Plaintiff,

v.

JOHN C. THOMAS, et al.,

Defendants.

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Civ. No. 16-1493

ORDER

AND NOW, this 27th day of March, 2017, upon consideration of Defendants' Motion to Dismiss (Doc. No. 23), Plaintiff's Response (Doc. No. 26), and Defendants' Reply (Doc. No. 27), it is hereby **ORDERED** as follows:

1. Defendants' Motion to Dismiss (Doc. No. 23) is **GRANTED**.
2. Plaintiff's constitutional claims (Counts I and II) are **DISMISSED with prejudice**.
3. Plaintiff shall **TRANSFER** his negligence claims (Counts III and IV) to the appropriate state court.
4. The Clerk of Court shall **CLOSE** this case.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.